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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) Case No. 2:15-cr-00198-GMN-NJK
12 vs.) AMENDED ORDER AUTHORIZING
13 EDWIN FUJINAGA,) FOREIGN DEPOSITIONS PURSUANT
14 Defendant.) TO RULE 15(h)
15 _____)

16 Pending before the Court is the parties' Stipulation for an Amended Order Authorizing
17 Foreign Depositions Pursuant to Rule 15(h), Docket No. 90, which the Court **GRANTS**. For good
18 cause shown, the Court amends its prior Order at Docket No. 88 and **ORDERS** as follows:

19 1. Pursuant to Article 17 of the United States-Japan Consular Convention, any consul
20 or vice consul of the United States assigned to Tokyo, Japan is authorized to take oral depositions
21 at the United States Embassy in Tokyo of the following witness, who will appear voluntarily on
22 or about the dates of October 9, and October 10, 2018:

- 23 a. Naotake Yamaguchi
b. Eiko Uchiyama

1 c. Hideki Hasegawa

2 2. Counsel for Defendant who will participate in said depositions are Heidi Ojeda,
3 Katherine Tanaka, and Shari Kaufman; counsel for the United States who will participate in said
4 depositions are William Johnston, Danny Nguyen, and Richard Anthony Lopez. Counsel for
5 Defendant and some counsel for the United States will participate by a live videoconference
6 connection between Las Vegas and Tokyo. Defendant may participate in the deposition by the
7 same videoconference connection. Federal Bureau of Investigation (“FBI”) Special Agent Gene
8 Tierney may be present at the deposition in Tokyo.

9 3. The following procedures will be followed:

10 a. The depositions will be governed by the Federal Rules of Evidence and
11 Criminal Procedure to the extent the foreign authorities permit;

12 b. Each witness will affirm under the penalty of criminal prosecution to answer
13 all questions truthfully and completely;

14 c. The United States shall arrange for the services of Japanese-English
15 interpreters to interpret for the parties at the depositions, but those interpreters will not be
16 employees of the United States Department of Justice or the FBI;

17 d. A verbatim, stenographic recording will be made of the English portion of
18 the proceedings and the testifying witness will be videotaped, if the foreign authorities will so
19 permit;

20 e. The witness will be questions first by the attorneys for the United States,
21 then cross-examined by Defendant’s attorneys, and then questioned by the attorneys for the United
22 States.

4. The following individuals employed by Planet Depos, LLC may attend as either stenographers, videographers, or translators: Lisa Feissner, Leslie Anne Todd, Renee Michele Kelch, Lisa Ann Knight, Susan Dena Wasilewski, Giselle Marsha Mitchell, Anne Marie Torreano, Charlotte Lacey, Jason Thomas Meadors III, Thomas Kinsey Feissner, Ralna Ramse, Luis Alejandro Lopez, Kevin Wayne Cranford Jr., Anthony James Vorndran, Debby Elaine Cavazos, Nathan James LeMaster, Christie Jeon, and Joseph Donahoe.

5. In authorizing the depositions, the Court expresses no opinion as to the admissibility or use of any part of the anticipated deposition testimony.

IT IS SO ORDERED.

DATED: August 24, 2018.


NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE